issuing to the patron a loyalty program instrument designed or configured to store the awarded loyalty points wherein the loyalty points are awarded to the patron without receiving one of identification information, account information and combinations thereof from the patron.

REMARKS

Claims 1-57 are currently pending in the application. Claims 1, 14 and 15 have been amended.

The applicant believes the claim amendments do not add any new matter. From the specification page 16, line 7-10 it states, "Because loyalty points sessions may begin without a conventional player tracking initiation event, a more general concept must be applied to initiation of loyalty points sessions. Preferably such initiation can be automatically detected by a gaming machine or other mechanism at a gaming establishment."

Specification

The examiner objected to the title as not being descriptive. A new title has been provided and the objection is believed overcome thereby.

Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1-3, 5-17, 19-22, 24-27 and 29-35 under 35 USC 102(e) as being clearly anticipated by Walker et al. (US patent No. 6, 379, 247). The rejection is respectively traversed.

Walker teaches a method of awarding frequently flyer miles to a game player at a game table. The method is manually initiated by the dealer at the game table using a device (see FIG. 3). As stated by the Examiner in his response, "the dealer determines when the patron has begun an activity for which player tracking points/comps are accrued and accrues the points to the player," (See Abstract and FIG. 10A). Claims 1-3, 5-17, 19-22, 24-27 and 29-35, as amended, each contain the limitation, in a mechanism of "determining automatically that a patron has begun an activity for which loyalty points are accrued." In Walker, the dealer determines that a patron has begun the activity and the determination is not performed automatically in the mechanism. Therefore, for at least these reasons, Walker can't be said to anticipate claims 1-3, 5-17, 19-22, 24-27 and 29-35 and withdrawal of the rejections is respectfully requested.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 4, 18, 36-41, 44-46, 48-53 and 55 under U.S.C. 103 (a) as being unpatentable over Walker et al. (US Patent No. 6, 379, 247) as applied to claim 1 or 15 in view of Cumbers (US Patent No. 6, 142, 876). The rejection is respectfully traversed.

Claim 4 of the present invention includes the limitation "accruing player tracking points for said patron without initiating a player tracking session." Claim 18 of the present invention includes the limitations "where the loyalty points are awarded to the patron without receiving one of identification information, account information and combinations thereof from the patron." Claims 36-41, 44-46, 48-53 and 55 each recite the limitation of "issuing to the game player a loyalty program instrument designed or configured to store the awarded loyalty points wherein the gaming machine issues the loyalty program instrument to the game player without receiving identification information from the game player." In Cumbers, players provide identification information and facial recognition information by a digital or video camera. For each player an account file and a file of the facial image data is stored. When the player plays the slot machine, a camera scans the player and acquires facial image data, which is compared to stored data to identify the player. The identified player's account file is opened and data from the device representing parameters of play, e.g., amounts wagered is allocated to the identified player's account file for the purpose of providing and other benefits to the player.

Cumbers teaches away from the present invention because in Cumbers a player tracking session requiring identification information is described. The purpose of the Cumbers invention is a facial recognition device for receiving identification information from the player so that an account can be accessed for providing comps to the player. This clearly teaches away from the present invention, which describes accruing points without initiating a player tracking session or without receiving identification information from the player. Therefore, for at least these reasons Walkers, Cumbers or the combinations of Walkers and Cumbers can't be said to render obvious the inventions as recited in claims 4, 18, 36-41, 44-46, 48-53 and 55 and the objection is believed overcome thereby.

The Examiner rejected claims 23 under U.S.C. 103 (a) as being unpatentable over Walker et al. as applied to claim 22, and in further view of Boushy (US Patent No. 5, 761, 647). The rejection is respectfully traversed.

Boushy describes multiple venues. However, the prevent invention recites in claim 22 "determining automatically that a patron has begun an activity for which loyalty points are accrued." As described above with respect to claim 22, in Walker, the dealer determines that a patron has begun the activity and the determination is not performed automatically in the mechanism. Thus, for at least these reasons, it is respectfully submitted Walker, Boushy or the combinations of Walkers and Boushy can't be said to render obvious the invention as recited in Claims 22 and withdrawal of the rejection is respectfully requested.

The Examiner rejected claims 42, 43, 54, 56 and 57 under U.S.C. 103 (a) as being unpatentable over Walker et al. and Cumbers as applied to claim 36, and in further view of Burns (US Patent No. 6, 048, 269). The rejection is respectfully traversed.

Claims 42, 43, 54, 56 and 57 recite the limitation "issuing to the game player a loyalty program instrument designed or configured to store the awarded loyalty points wherein the gaming machine issues the loyalty program instrument to the game player without receiving identification information from the game player." As described above, for example with respect to claim 36, cumbers teaches away from this limitation. Burns describes identifying a player using an identification card to determine the amount of time and/or money spent by the player (see Col. 6, 1. 56-57). Thus, Burns also teaches away from the present invention.

In addition, in regards to claims 42 and 43, Burns does not describe as recited in claim 42, "determining an amount of loyalty points stored on the first loyalty point instrument; validating the first loyalty point instrument; and when the first loyalty point instrument has been validated, adding the loyalty points stored on the loyalty point instrument to an amount of loyalty points awarded to the game player." In Burns, methods of reading loyalty points from a loyalty point instrument are not described. The Examiner has stated that Burns teaches reading tickets that are analogous to the loyalty point instrument. However, the examiner has not stated that loyalty points are analogous to the game credits stored on the tickets described in Burns. Burns does not teach that loyalty points and game credits are analogous.

Further, Burns does not describe presenting on the gaming machine a particular game, a particular bonus game, a game feature, etc., in exchange for an amount of loyalty points redeemed on the gaming machine as recited in claim 54. Yet Further, Burns does not describe a first gaming machine that is designed or configured to communicate loyalty point information to a second gaming machine as recited in claims 56 and 57. Therefore, for at least these reasons, Walker, Cumbers, Burns or the combinations of Walker, Cumbers, and Burns can't be said to render obvious the invention as recited in claims 42, 43, 54, 56 and 57 and the objection is believed overcome thereby.

The Examiner rejected claims 47 under U.S.C. 103 (a) as being unpatentable over Walker et al. and Cumbers as applied to claim 36, and in further view of Kelly (US Patent No. 5, 816, 918). The rejection is respectfully traversed.

As described above, Cumbers teaches away from the present invention as recited in claims 36. Therefore, for at least the reasons recited above, Walker, Cumbers and Kelly or the combination of Walker, Cumbers and Kelly can't be said to render obvious the invention as recited in claim 47 and the objection is believed overcome thereby.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

David P. Olynick
Reg. No.: 48,615

P.O. Box 778
Berkeley, CA 94704-0778
510-843-6200